

REMARKS

In accordance with the foregoing, the specification has been amended to correct a typographical error and, in the claims, the limitations of claim 2/1 have been introduced into claim 1 and claim 2 has been canceled. Further, the dependencies of claims 3/2 and 7/2 have been amended to depend, instead, from claim 1.

No new matter is presented in the foregoing and, accordingly, approval and entry of the foregoing specification and claim amendments are respectfully requested.

STATUS OF CLAIMS

As of the time of the Action, the pending claims 1-3, 7, 10 and 11 are all rejected.

In accordance with the foregoing, claims 1, 3, 7, 10, and 11 are now pending.

ITEM 4: OBJECTION TO DRAWINGS

In accordance with the foregoing, Figs. 1-6 have been amended to include a legend --PRIOR ART--, thereby responding to and overcoming the drawing objection of item 4. Withdrawal of the rejection is respectfully requested.

ITEM 5: OBJECTION TO TITLE

A new title submitted to be clearly indicative of the invention to which the claims are directed is submitted herewith.

ITEM 8: REJECTION OF CLAIM 1 FOR ANTICIPATION UNDER 35 USC § 102(b) BY KOJIMA ET AL. (USP 6,072,448)

The rejection is respectfully traversed.

The feature of the invention claimed in claim 1 is that a first state is a state in which a total number of times of light emission is over a fixed first threshold value and a second state is a state in which a total number of times of light emission is under a fixed second threshold value. In other words, the criteria for the first and second states are respectively set. According to this feature, the sustain frequency judgment has a

hysteresis characteristic and a frequent change of brightness, namely, a flicker, can be avoided. In other words, the brightness control of the apparatus can be made stable.

If, instead, the criteria for the first and second states were set to a common value, the judgment result is changed frequently when an image fluctuates near and across a brightness level corresponding to the above common value. Therefore, the control based on the judgment result also will change frequently.

Kojima (U.S. Patent No. 6,072,448) does not disclose or suggest the feature of the present invention that the criteria for the first and second states are respectively set. Accordingly, withdraw of the rejection of claim 1 for anticipation by Kojima et al. is respectfully requested.

ITEM 7: REJECTION OF CLAIMS 1-3, 7 AND 10-11 FOR ANTICIPATION UNDER 35 USC § 102(e) BY TOSHIO (JP 2001-134197)

The rejection is respectfully traversed.

Enclosed is an English translation of the priority document (Japanese Patent Application No. 2000-290981) of this application. The filing date of the priority document is September 25, 2000 and the publication date of Toshio (JP 2001-134197) is May 18, 2001. Therefore, it is respectfully submitted that Toshio is not a prior art reference relative to the present application and, accordingly, it is requested that the rejection based on Toshio be withdrawn.

ITEM 11: REJECTION OF CLAIMS 2-3, 7 AND 10-11 FOR OBVIOUSNESS UNDER 35 USC § 103(a) OVER KOJIMA IN VIEW OF TODOROKI ET AL.

In accordance with the foregoing, it has been shown that Kojima does not disclose the features of claim for which each of claims 2, 7, 10 and 11 depend, directly or indirectly.

Accordingly, for that reason, as well as for the further reasons pointing out distinctions of the claimed invention over Todoroki et al., it is submitted that the rejections of claims 3, 7, 10, and 11 should be withdrawn.

More particularly, Todoroki et al. (U.S. Patent No. 6,597,333) disclose a brightness control unit for judging whether or not a stationary image is displayed and a total number of times of light emission is reduced when the stationary image is displayed.

However, Todoroki et al. do not disclose or suggest the feature of the present invention.

The Examiner stated that Fig. 3 of Todoroki et al. shows the judgment that a first state, in which a total number of times of light emission is over a fixed first threshold value (N_{ref}), occurs more than a fixed first frequency and Fig. 5 shows the judgment that a second state, in which a total number of times of light emission is under a fixed second threshold value (N_1), occurs more than a fixed second frequency.

However, it is submitted that the Examiner misunderstands the contents of Todoroki et al. As described at column 10, lines 44 - 49, Fig. 3 shows an operation to reduce the number of sustaining pulses to N_{ref} . In other words, Fig. 3 does not show a counting operation of occurrences of a state in which a total number of times of light emission is over a fixed first threshold value. Further, as described at column 12, lines 47 - 53, Fig. 5 shows an operation to increase the number of sustaining pulses to N_1 . In other words, Fig. 5 does not show a counting operation of occurrences of a state in which a total number of times of light emission is under a fixed second threshold value.

Accordingly, Todoroki et al. do not disclose counting operations of occurrences of states in which a total number of times of light emission is over or under fixed threshold values. Consequently, it is apparent that Todoroki et al. do not disclose or suggest the feature of the present invention that the criteria for the first and second states are respectively set.

CONCLUSION

In accordance with the foregoing, it is submitted that the pending claims patentably distinguish over the art of record, taken singly or in any proper combination and, there being no other objections or rejections, that the application is in condition for allowance, which action is earnestly solicited.


Serial No. 09/929,049

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: May 11, 2004

By: 
H. J. Staas
Registration No. 22,010

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501